

**Hearing Officer Meeting Minutes
September 28, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, September 28, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Amelia Dombay, Senior Planner; Erika Peterson, Associate Planner; Guillermo Moreno-nunez, Assistant Planner; Rodney Short, Deputy City Attorney and Alejandro Marquez, Administrative Specialist.

Hearing Officer Araceli Rodriguez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Araceli Rodriguez approved the minutes of September 14, 2023.

PUBLIC HEARINGS

VAR-41729-2023: *This is a request by Cesar Lopez for a variance to increase the lot coverage from 15% to 21% to allow construction of a new home in the Suburban Ranch (SR-1) District, for the property located at 2020 W. Country Lane, Yuma, AZ.*

Jennifer Albers, Assistant Director of Planning, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

Hearing Officer Araceli Rodriguez asked in this area is the average home size for a .77-acre lot about 2000 square feet. **Albers** replied in this area yes. **Hearing Officer Araceli Rodriguez** then asked what the average size of a primary dwelling on an acre lot would be, because she was trying to verify if the proposed home would look out of place. **Albers** replied that the homes in this neighborhood average between 2900 to 4800 square feet. **Hearing Officer Araceli Rodriguez** then asked when the primary dwelling was built. **Albers** replied the home was already constructed when the area was annexed in 2005.

APPLICANT/APPLICANTS REPRESENTATIVE

Cesar Lopez, 2009 W. Country Lane, Yuma, AZ, stated the proposed home would not look bigger or out of place is because most of the homes are of the same size or bigger and that his personal house which is on the southeast corner is 2700 square feet, and that there is enough room on the lot to meet all the city's requirements and setbacks.

Hearing Officer Araceli Rodriguez asked if the applicant resides on the property. **Lopez** answered no that the home belongs to his parents. **Hearing Officer Araceli Rodriguez** asked what size was the home in which Lopez resides in, and if the lot was larger. **Lopez** replied that his home is 4400 square feet and on an adjacent lot.

PUBLIC COMMENT

Antonio Martinez, on behalf of the Marine Corps Air Station, Yuma, AZ, noted that MCAS is neutral regarding the request and submitted a comment to staff that states that the proposed project is located within the accident potential zone of a runway that is not recognized by the city but is by the Marine Base, and then made himself available for questions.

Hearing Officer Araceli Rodriguez asked for clarification if the comment that was submitted was not in opposition or in support of the request. **Martinez** replied correct and noted that the comment was just to notify City staff and the homeowners that the Marine Base is looking into the cases that could be affected by the runways. **Hearing Officer Araceli Rodriguez** then stated if the applicant needed to comply with any request by the Marine Base, it would be included in the Conditions of Approval. **Martinez** replied that the only item that would be requested is a signed Avigation Disclosure noting that the homeowner was aware that they were located in a flight path. **Albers** stated that the Avigation Disclosure is now part of the application process.

DECISION

Hearing Officer Araceli Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-41741-2023: *This is a request by Melissa Schlamann, for a Variance to increase the allowable Accessory Dwelling Unit height from 15 feet to 17 feet and reduce the minimum rear yard setback from 10 feet to 5 feet for the construction of a new Accessory Dwelling Unit in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1305 S. 8th Avenue, Yuma, AZ.*

Guillermo Moreno-nunez, Assistant Planner, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

Hearing Officer Araceli Rodriguez asked if there were other lots in the area that have a five foot setback that do not have access to the alley. **Moreno-nunez** replied yes, it was a storage structure that was converted into living space. **Hearing Officer Araceli Rodriguez** then asked for conformation if a ten foot setback can be reduced to five feet if there is access to the Accessory Dwelling Unit (ADU) from the alleyway. **Moreno-nunez** answered yes. **Hearing Officer Araceli Rodriguez** asked if the ADU was currently under construction and if the applicant is asking for the setback reduction but will not have access through the alleyway. **Moreno-nunez** replied yes.

Hearing Officer Araceli Rodriguez asked if staffs response to question D of the four criteria that stated that the granting of this variance will not lead to detrimental effects on the neighbors and general public traveling near this property was correct. **Moreno-nunez** replied yes that is correct, because there will be no visibility issues caused by the ADU.

APPLICANT/APPLICANTS REPRESENTATIVE

Melissa Schlamann, 1305 S. 8th Avenue, Yuma, AZ, stated that the subject property does have access from the alleyway.

Hearing Officer Araceli Rodriguez referred to the picture on Attachment D of the staff report then asked if the ADU was going to be built where the shade structures were located. **Schlamann** replied no, it will be constructed next to the wall. **Hearing Officer Araceli Rodriguez** asked if the ADU was going to block some of the alley access. **Schlamann** answered yes, because of the size of the structure a portion of it will be blocked.

Schlamann referred to the picture on Attachment G and stated that the structure was going to be built in the area where the boat is seen in the photo not the grass area. **Hearing Officer Araceli Rodriguez** asked for clarification of the location of the alley access. **Schlamann** answered, it was where the boat is located in the picture. **Hearing Officer Araceli Rodriguez** asked if the chain link fence was between the boat and the pool. **Schlamann** replied no, the fence is between the boat and the alley and that a block wall separates the pool and the boat.

PUBLIC COMMENT

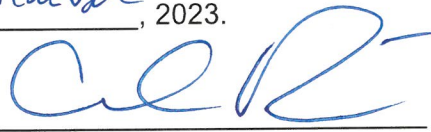
None

DECISION

Hearing Officer Araceli Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Hearing Officer Araceli Rodriguez adjourned the meeting at 9:56 a.m.

Minutes approved and signed this 9th day of November, 2023.



Hearing Officer